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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRR-239-2005
Date of decision: 28.11.2013

Ram Charan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CRR-398-2005
Date of decision: 28.11.2013

William

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr.Kewal Singh, Advocate for the petitioners

Mr.Luvinder Sofat, AAG, Punjab

Jitendra Chauhan, J.

1. This judgment shall dispose of both the abovementioned revision petitions filed against the judgment dated 11.1.2005, passed by the learned Additional Sessions Judge, Ludhiana, dismissing the appeals filed by the petitioners against the judgment /order dated 9.4.2002, passed by the learned Additional Chief Judicial

Magistrate, Ludhiana, convicting the petitioners under Section 420 of the Indian Penal Code and sentencing for a period of one year each and to pay fine of Rs.500/- each; in default of payment of fine, the defaulter to further undergo RI for one month.

2. Learned counsel for the petitioners at the very outset states that he does not want to challenge the judgment of the conviction on merits. However, he prays that a lenient view may be taken in the matter of sentence. Petitioner Ram Charan is having four daughters. He is working as a clerk with an Advocate in the District Courts, Ludhiana. Willian is also a labourer. He is having small children.

3. The learned counsel appearing for the State has submitted that the petitioner cheated an unemployed person of Rs.6000/-, who wanted to get a job in the Army. In the circumstances, no leniency should be shown to the petitioners.

4. From the record, it is made out that the incident is of the year 1993. Both the petitioners belong to poorest strata of the society. They are the only bread earner of their families. They have suffered protracted trial for 20 years.

5. The Hon'ble Supreme Court in 2006(4) R.C.R. (Criminal) 645 titled as "**R. Soundarajan V. Seed Inspector, Coimbatore and another**" observed as under:-

"26. We have carefully perused the entire evidence and

documents on record and heard the learned counsel for the parties at length. On consideration of the totality of the facts and circumstances of this case, particularly in view of the statement made by the learned counsel for the State, in our considered view, the ends of justice would be met, if the sentence of the appellants is reduced to the period already undergone by them. The appellants were released by this Court during the pendency of these appeals and they are now not required to surrender. The fine as imposed by the trial Court, if not already paid, would be paid within four weeks from the date of this judgment”

6. In another case titled as “**Umrao Singh V. State of Haryana**”, 1981 AIR (SC) 1723, the Hon’ble Supreme Court observed as under:-

“After hearing counsel for the parties, we are satisfied that this is a case falling under the proviso of Section 16(1)(a)(i) and therefore, for adequate and special reasons, the sentence lower than the minimum prescribed could be awarded. The High Court itself felt bound to award the minimum sentence but on merits was satisfied that if the legal position warranted the appellant could be given lesser sentence. We are in agreement with the view

of the High Court. The appellant/petitioner is aged about 70 and suffering from asthma illness and has a clean past record. Besides, the percentage of deficiency that was noticed in the milk sold by him was 0.4% in the fat contents.

2. Having regard to these facts, the expression of the view of the High Court was justified. We accordingly reduce the sentence of the appellant to the period already undergone. The sentence, of fine is maintained and we are informed that he has already paid the fine. Since he is already on bail, he should be released forthwith.

3. The appeal is disposed of accordingly”

7. For the aforesaid reasons, I am of the considered view that the sentence/imprisonment already undergone by the petitioners will meet the ends of justice.

8. Consequently, the conviction of the petitioners, as mentioned above, is maintained. However, the sentence of their rigorous imprisonment is reduced to the period already undergone by them. The petitioners shall also deposit a sum of Rs.25,000/- each, as compensation, to be paid to the complainant, with the Chief Judicial Magistrate, Ludhiana within one month from today.

9. In case, the petitioners fail to comply with the direction of

depositing the aforestated amount in the Court of learned CJM, Ludhiana, within period stipulated above, these revisions shall be deemed to be dismissed. The impugned sentence order stands modified to the extent indicated above.

10. These revision petitions stand partly allowed accordingly.

28.11.2013
gsv

(JITENDRA CHAUHAN)
JUDGE